

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RKF RETAIL HOLDINGS, LLC,
Plaintiff,

vs.

TROPICANA LAS VEGAS, INC.,
Defendant.

Case No. 2:14-cv-01232-APG-GWF

ORDER

RKF RETAIL HOLDINGS, LLC,
Plaintiff,

vs.

EASTERN REAL ESTATE LLC,
Defendant.

Case No. 2:15-cv-01446-APG-GWF

This matter is before the Defendant Tropicana Las Vegas, Inc.’s (“Defendant”) Motion to File Under Seal Certain Exhibits to Motion for Summary Judgment (ECF No. 66), filed on November 4, 2016.

There is generally “a strong presumption in favor of access to court records.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). Where a petitioner seeks to seal documents or exhibits that are dispositive in nature, the petitioner must meet the higher standard of showing “compelling reasons” for the documents to be sealed. *Pintos v. Pac. Creditors Ass’n*, 565 F.3d 1106, 1115 n. 4 (9th Cir.2009); *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir.2006). The Court applies the higher “compelling reasons” standard to dispositive motions, rather than the “good cause” standard, because “the resolution of a dispute on the merits,

whether by trial or summary judgment, is at the heart of the interest in ensuring the ‘public’s understanding of the judicial process and of significant public events.” *Dish Network L.L. C. v. Sonicview USA, Inc.*, 2009 WL 2224596, *6 (S.D.Cal. July 23,2009) (citing *Kamakana*, 447 F.3d at 1179).

To meet the compelling reasons standard, the moving party “must overcome a strong presumption of access by showing that compelling reasons supported by specific factual findings outweigh the general history of access and the public policies favoring disclosure.” *Dish Network L.L.C.*, 2009 WL 2224596 at *7 (citing *Pintos*, 565 F.3d at 1116); *see also Kamakana*, 447 F.3d at 1179–80. “Under the ‘compelling reasons’ standard, a district court must weigh relevant factors, base its decision on a compelling reason, and articulate a factual basis for its ruling without relying on hypothesis or conjecture.” *Id.* “Relevant factors include the public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets.” *Id.*

The Court finds that Defendant has not met its burden here. Defendant seeks to file its motion for summary judgment under seal pursuant to the Protective Order (ECF No. 28) filed on November 9, 2015. Defendant represents that the Exhibits it seeks to seal are documents produced by Plaintiff and a non-party who contend that they contain “sensitive, commercial information subject to protection under the Protective Order.” *Motion to Seal* (ECF No. 66), 3:18. However, this bare bones explanation as to why these documents are confidential does not justify an order from the Court sealing Exhibits A, F, G, J, and L of Defendant’s motion for summary judgment. Accordingly,

IT IS HEREBY ORDERED that Defendant Tropicana Las Vegas, Inc.’s Motion to File Under Seal Certain Exhibits to Motion for Summary Judgment (ECF No. 66) is **denied without prejudice**. Defendant may file a revised motion that provides the Court with sufficient “compelling reasons” to justify its request.

DATED this 7th day of November, 2016.


 GEORGE FOLEY, JR.
 United States Magistrate Judge